

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALLEN RAY RUSSELL II,

Petitioner,

v.

Respondent.

Case No. C07-5506FDB-KLS

SECOND ORDER TO SHOW  
CAUSE REGARDING PETITION

This matter is before the Court on petitioner's response (Dkt. #12) to the Court's order to show cause (Dkt. #11) regarding his petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. The Court, having reviewed petitioner's response and the balance of the record, hereby finds and ORDERS:

On December 7, 2002, the Court issued an order in which it stated that based on the information contained in petitioner's petition, it appeared that petition was untimely, and thus barred by the one-year statute of limitations imposed by the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). Petitioner has provided additional evidence in his response to the Court's order to show cause, however, indicating that his petition in fact was timely filed. Accordingly, based on the evidence currently before the Court, it seems petitioner's petition indeed was timely filed.

In addition, the Court noted in its order to show cause that petitioner had failed to name a proper respondent. While petitioner has indicated who that respondent is in the declaration of mailing attached

1 to his response, he has not submitted an amended petition naming the proper respondent. Petitioner shall  
2 do so by **no later than February 10, 2008**.

3 The Court also notes petitioner has filed a motion for a 30-day extension of time in which to  
4 submit a memorandum of law in support of his petition. (Dkt. #9). That motion hereby is GRANTED.  
5 Along with his amended petition naming the proper respondent, therefore, petitioner also shall have until  
6 the above-noted date to file along therewith his memorandum of law. Failure to so respond to this order  
7 by that date may result in a recommendation of dismissal of the petition.

8 The Clerk shall send a copy of this Order to petitioner.

9 DATED this 10th day of January, 2008.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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